

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AUSTIN ALLEN HALL,

Plaintiff,

Case No. 15-cv-13831

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

LUECIA HOUSE, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT WITH PREJUDICE**

On October 29, 2015, Plaintiff Austin Allen Hall filed a pro se complaint against Defendants Luecia House, Sally Schmitzer, Austin Hall,¹ Pumal Insurance Company, Behavioral Arenac Behavioral Health.² See Pl.'s Compl., ECF No. 1 (sic to spelling of Defendants' names). On November 6, 2015, Hall amended his complaint to include Catholic Family Services [sic] as a Defendant. See Amend., ECF No. 6. The case was referred to Magistrate Judge Patricia T. Morris for all pretrial matters. See Order of Reference, ECF No. 4.

On November 16, 2015, Judge Morris issued a report recommending that Hall's complaint be dismissed sua sponte because it does not state a claim for which relief may be granted. See Rep. & Rec., ECF No. 7. Judge Morris concluded that all of the allegations in Hall's complaint are of the threadbare, "the-defendant-unlawfully-harmed-me" variety that are insufficient to meet the pleading standards set forth in the Federal Rules of Civil Procedure. Rep. & Rec. 5, ECF No. 7 (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Judge Morris also

¹ Austin Hall is Plaintiff Hall's father.

² B.A.B.H. is listed as an individual defendant on the docket sheet. B.A.B.H. appears to simply be an acronym for Behavioral Arenac Behavioral Health [sic].

noted that Hall pleads no facts in support of jurisdiction. Thus, it is unclear whether the Court may hear Hall's claims, even if they were sufficiently pled. *Id.* at 7. Judge Morris recommended dismissing the complaint with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 7, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Complaint, ECF Nos. 1 & 6, are **DISMISSED with prejudice**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 11, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 11, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager